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KGB frameup claimed in extradition case

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A chief U.S. District Court judge in Cleveland is expected to rule today in the controversial extradition case of retired Cleveland autoworker John Demjanjuk, said by the Soviet Union to be the Nazi war criminal Ivan Grozny, or "Ivan the Terrible."

But Mr. Demjanjuk's lawyer, Mark J. O'Connor, told The Washington Times he had proof that evidence in the case, supplied to the U.S. Justice Department by the Soviet KGB, was part of "a plot cooked up by the Russians — a plot designed to disrupt and destabilize American society and ultimately to discredit the justice systems of the United States and of our ally, the state of Israel," whose government requested the extradition.

Furthermore, said Mr. O'Connor, a high-ranking Soviet official at the embassy in Washington, First Secretary and Consul Valeriy G. Kubanov, freely admitted that the identification evidence used against Mr. Demjanjuk, a wartime I.D. card with a photograph produced for U.S. courts by the KGB, "had been intentionally altered by Moscow."

Nevertheless, the case has only "aroused the curiosity of some," Mr. O'Connor said. "Americans have been kept in the dark on this strange case for years, as have most high officials in Washington."

Newly appointed White House Director of Communications Patrick Buchanan, while still a syndicated columnist, wrote that the "fraternal collaboration" between the United States and the KGB in the case of Mr. Demjanjuk "may have produced one horrible miscarriage of justice."

Said Mr. Buchanan: "What causes concern over the Demjanjuk case is not only the pivotal supporting role of the KGB; it is the less-than unblemished records of the Nazi-hunting OSI," the Justice Department's Office of Special Investigations.

Mr. Buchanan was referring to the several OSI cases that have been thrown out of court because of Soviet-supplied evidence and testimony that was found to have been "prepared" by the KGB.

Moscow began surfacing evidence in 1977 that Mr. Demjanjuk was a "major Nazi war criminal," but it was not until 1983 that Israel, on the recommendation of U.S. prosecutors, asked the United States to extradite the 65-year-old retired Ford Motor Co. plant worker, a resident of the Cleveland area for over 30 years who spends much of his spare time gardening and running a church school for children.

It became the first extradition sought by Israel of a suspected Nazi war criminal living in the United States and, depending on the outcome of a court trial in Israel should extradition be granted, could pave the way for criminal proceedings against nearly 30 alleged ex-Nazis who are believed to have entered the United States illegally after the war.

Although Israel has had an extradition treaty with the United States since 1962, the Jewish nation has been reluctant to seek deportation of ex-Nazis because of difficulties in finding evidence or witnesses

to testify about crimes committed more than 40 years ago.

But the KGB has come forward, alleging that in 1942 and 1943, Mr. Demjanjuk was an SS guard at the Treblinka extermination camp and operated the gas pump that sent poisonous fumes into the death chambers, killing thousands of Jews. Mr. Demjanjuk, the KGB said, was an anti-Soviet Ukrainian nationalist who violated Soviet law by serving as a "fascist, Hitlerite henchman."

Mr. Demjanjuk has denied the charges, stating he was never at Treblinka. Instead, his attorney claims, Mr. Demjanjuk was a Ukrainian soldier, wounded and captured by the Germans in the Crimea and forced into a labor gang building barracks for construction workers.

But after a District Court found that Mr. Demjanjuk had filed an improper U.S. visa application after the war, Judge Frank J. Battisti revoked Mr. Demjanjuk's citizenship in 1981 because of evidence supplied by the Kremlin — including the I.D. photograph purportedly taken by the Nazis in 1942. Charges were filed by the OSI in December 1982 seeking Mr. Demjanjuk's deportation after six witnesses identified Mr. Demjanjuk as the notorious guard.

On March 12, Judge Battisti opened a federal extradition hearing. A decision by the judge is expected today.

Mr. O'Connor said, however, that Judge Battisti should not have presided over the extradition proceedings, because of the judge's "role in concealing the Soviet-perpetrated fraud in the case."

Among other complaints, Mr. O'Connor said the Soviet source of evidence in the case, the I.D. card, "had been strangely missing" from Judge Battisti's court record. Mr. O'Connor said he found the I.D. card "in a cardboard box in the locked basement of Judge Battisti's courthouse."

Two documents experts were later permitted by the government to examine the I.D. card independently, Mr. O'Connor said. Both said that the card had been materially altered, as had the photograph attached to it, he said.

"Incredibly, over the last three years, the uncontested evidence of perjured government witness testimony, affirmative misconduct, altered and fraudulent Russian proof and the pivotal role in the case played by the Soviet KGB, has been dismissed or disregarded by Judge Battisti, despite numerous defense motions requesting a fair hearing of these serious charges," Mr. O'Connor charged.

Mr. O'Connor also said Soviet disinformation in the case had been "detected" by investigators in West Germany's Justice Central, which has investigated thousands of Nazi war criminals for over three decades.

"The OSI charge that Mr. Demjanjuk was the SS man responsible for the operation of the Treblinka gas chamber has been the standing joke among recognized Nazi hunters in Europe since 1981," said Mr. O'Connor.

When asked by Mr. O'Connor why he would not come forward to expose the injustice in the Demjanjuk case, then-Director of Justice Central Adalbert Ruckerl strongly rebuked the lawyer for "suggesting that a West German should be the one to reform the U.S. justice system," Mr. O'Connor said.